

Legislative files: Other legislation: "Laws that Treat Hawaii Differently": Military and defense: Department of the Army

Senator Daniel K. Inouye Papers

Legislative files, Other legislation, "Laws that Treat Hawaii Differently", Federal responses to survey, Military and defense, Box LF394, Folder 3

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FEDERAL AGENCY: THE DEPARTMENT OF THE ARMY

CORRESPONDING STATE AGENCIES: None

STATUTES, RULES, POLICIES:

- Army regulatory differences stem from Hawaii not being included within the definition of the term "Continental United States" (CONUS).

COMPUTER PRINTOUT INFORMATION: None

DEPARTMENT OF THE ARMY

INTRODUCTION

While neither Hawaii's state agencies or the computer printout pointed out laws, statutes and regulations that treat Hawaii in a manner different than the other 49 states, the Department of the Army has revealed that Hawaii is treated differently from other states in some instances.

PROVISIONS OF DIFFERENTIATION

The majority of the regulatory differences stem from Hawaii not being included within the definition of the term "continental United States" (CONUS).

- 1) For example, Army personnel whose home of record is Hawaii are considered to be non-CONUS residents under the provisions of the Army regulation governing personnel assignments, details and transfers.

One result of this status is that a member of the Army who is a resident of Hawaii who returns to that state following the completion of a normal overseas tour will usually be afforded an opportunity to reside there for a minimum of 36 months before transfer. CONUS residents, on the other hand are only assured a minimum of 12 months in CONUS under the same circumstances.

- 2) Pursuant to the provisions of another regulation, post exchanges in Hawaii receive greater appropriate fund support than those located in CONUS.

These two regulatory differences are also emphasized in the Department of Defense response.

(See enclosure for examples of provisions of Army regulations which treat Hawaii differently from other states.)

May 9, 1978

Honorable Clifford Alexander
Secretary
Department of the Army
Washington, D.C.

Dear Mr. Secretary:

I would appreciate receiving a detailed report from your Department as to the existence of any particular federal laws, agency policies, or rules and regulations which treat the State of Hawaii or its residents in a manner different to that of the other forty-nine states.

Although I realize the potential magnitude of my request, your assistance in providing me with as comprehensive a report as possible would be most appreciated.

The purpose behind my request is to see whether or not legislative modifications would be appropriate.

Aloha,

DANIEL K. INOUE
United States Senator

DKI:jmpl



OFFICE, CHIEF OF
LEGISLATIVE LIAISON

DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, D.C. 20310

178 MAY 31 11 10 26

26 MAY 1978

Dear Senator Inouye:

This is in response to your recent letter to Secretary Alexander requesting a report on laws, regulations and policies which treat Hawaii differently than other states.

The Department of Justice has informed the Department of Defense of its intent to locate all statutes which appear to treat Hawaii differently and supply those to you. Their efforts should include statutes which apply to all agencies of the Government to include the Services. Similarly, the Department of Defense (DOD) has informed us it is engaged in an effort to locate and provide you DOD regulations and policies which might be of assistance. This leaves the Army with the task of searching its own regulations and policies for the information you seek and that effort has been initiated.

We should be able to provide you with a report by mid-June.

Sincerely,

William W. Maurer
WILLIAM W. MAURER
Brigadier General, GS
Deputy Chief of Legislative
Liaison

Honorable Daniel K. Inouye
United States Senate
Washington, D. C. 20510

May 31, 1978

Brigadier General William W. Maurer
GS
Deputy Chief of Legislative Liaison
Department of the Army
Washington, D.C. 20310

Dear General Maurer:

I wish to acknowledge receipt of your recent communication in response to my request for a review of whether any of your department's policies or regulations treat Hawaii in a manner different from our mainland states.

I look forward to receiving your more detailed forthcoming report.

Aloha,

DANIEL K. INOUE
United States Senator

DKI:jmpl



DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, D.C. 20310

173 JUL 27 11 5 00

OFFICE, CHIEF OF
LEGISLATIVE LIAISON

24 JUL 1978

Dear Senator Inouye:

This is in final response to your letter to Secretary Alexander requesting a report on laws, regulations, and policies which treat Hawaii differently from other states.

In an earlier letter to you about this matter Brigadier General Maurer told you that the Army would review its regulations and policies. That review has been completed and it has revealed that Hawaii is treated differently from other states in some instances. The majority of the regulatory differences stem from not including Hawaii within the definition of the term "Continental United States" (CONUS). For example, Army personnel whose home of record is Hawaii are considered to be non-CONUS residents under the provisions of the Army regulation governing personnel assignments, details and transfers. One result of this status is that a member of the Army who is a resident of Hawaii who returns to that state following the completion of a normal overseas tour will usually be afforded an opportunity to reside there for a minimum of 36 months before transfer. CONUS residents, on the other hand are only assured a minimum of 12 months in CONUS in the same circumstance. Also, pursuant to the provisions of another regulation, post exchanges in Hawaii receive greater appropriated fund support than those located in CONUS. Other examples are included in the inclosure.

The Army can change appropriate regulations without the enactment of enabling legislation, and steps will be taken to review those that treat Hawaii differently during the normal review and supersession cycles.

If you have further questions about this matter, please have a member of your staff contact Mr. John L. Naler at 697-2106.

Sincerely,

EDWARD C. PETER
Brigadier General, GS
Deputy Chief of Legislative
Liaison

Incl

Honorable Daniel K. Inouye
United States Senate
Washington, D.C. 20510

Examples of Provisions of Army Regulations Which Treat Hawaii Differently
From Other States

1. AR 55-355 (pertaining to military traffic management) -- Includes inland freight and passenger traffic missions, both of which are limited to CONUS and, therefore, exclude Hawaii.
2. AR 614-30 (pertaining to assignments, details and transfers) --
 - a. Overseas service for CONUS residents is defined as military service outside the continental United States; for non-CONUS residents, it is defined as military service outside the individual's area of residence, excluding service within CONUS.
 - b. Personnel serving in Hawaii who acquire dependents who are residents of that state will serve the tour appropriate to their status prior to acquisition of dependents. Personnel serving overseas in areas other than Alaska and Hawaii who acquire dependents in the overseas command will be required to serve the "with dependent" tour or 12 months after acquisition of dependents, whichever is longer, if the dependents are recognized as command sponsored.
3. AR 60-20 (exchange service operating policies) -- Hawaii is authorized the same stock assortment and services common for Alaska and overseas areas, which is greater than those authorized for CONUS.

August 4, 1978

Brig. Gen. Edward C. Peter
Deputy Chief of Legislative Liaison
Office of the Secretary of the Army
Department of the Army
Washington, D.C. 20310

Dear General Peter:

Thank you for your recent response to my request for a review of whether any of your Department's policies or regulations treat Hawaii in a manner different from the other 49 States.

Your consideration and cooperation in this matter is most appreciated. I am most grateful for your assistance in providing me with this informative report, for I realize the extensive time and energy it took to perform this task.

If I can be of any assistance to you in the future, please do not hesitate to let me know.

Aloha,

DANIEL K. INOUE
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DKI:vqbf

Dept. of the Army

found in Binder 2

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GENERAL

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DKI: jmp1



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170 MAY 31 11 10: 26

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PDL:jmpl-----

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(PDL) KIRK/vqbf

FED. GOVERNMENT
General
(Pat's Project)

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